IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MRS. JUSTICE K.HEMA

TUESDAY, THE 13TH NOVEMBER 2007 / 22ND KARTHIKA 1929

WP(C).No. 33376 of 2007(S)

PETITIONER:

RAHMANIYA JUMA MASJID MAHALLU COMMITTEE, NAMBIAPURAM, KOCHI-6, REPRESENTED BY ITS PRESIDENT, MOIDEEN MUSALIYAR P.A.

BY ADV. SRI.T.M.ABDUL LATHEEF

RESPONDENTS:
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1. **T.P.SAJID, RETURNING OFFICER, ADVOCATE, M/S. KHALID & PANICKER, M.M.ROAD, KOCHI-682 014.**

2. **P.B.AZEEZ, PORATHIKKASSERI VEEDU, NAMBIAPURAM, PALLURUTHY, COCHIN-682 006.**

3. **THE KERALA STATE WAKF BOARD, REPRESENTED BY ITS CHIEF EXECUTIVE OFFICER, WAKF BOARD OFFICE, V.I.P. ROAD, KALOOR P.O., KOCHI-682 017.**

4. **I.ASHRAFF, PEEDIKAPARAMBIL, PULLARDESOM ROAD, PALLURUTHY, COCHIN-682 006.**

5. **A.K.NAZAR, ARIKKANATTU PARAMBU, NAMBIAPURAM, PALLURUTHI, COCHIN-682 006.**

6. **MOHAMMED AZEEZ, 19/1748-A, PALATHINKAL HOUSE, PIPE LINE ROAD, PALLURUTHI, COCHIN-682 006.**

7. **K.S.ABOOBACKER, 18/875, KARIMPANAKKAL HOUSE, NAMBIAPURAM, PALLURUTHI, COCHIN-682 006.**

8. M.B.KHALID,
19/1747, NAMBIPUNNILATH HOUSE, PIPE LINE ROAD,
PALLURUTHI, COCHIN-682 006.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B.KOSHY & K.HEMA, JJ.

W.P.(C).NO.33376 OF 2007 (S)

Dated this the 13th day of November, 2007

J U D G M E N T

KOSHY,J.

In this writ petition, petitioner prays to issue a writ of mandamus directing respondents 1 and 3 not to take steps to handover charge of the Manging Committee based upon the Election proceedings conducted by the 1st respondent as per Ext.P3 notice. It is also prayed that for the same relief and for setting aside the Election, I.A.Nos.248/2007 and 257/2007 were filed and it was dismissed by the Wakf Tribunal and they want a direction to issue copies of the order. They also want to set aside the orders passed in the above I.A.'s. We are of the view that petitioner has already approached the Wakf Tribunal and their petition was dismissed, and therefore, the only possible way is to challenge the orders in the I.A. in the proper forum and not filing a writ petition. Therefore the prayer cannot be granted. However, we direct the Wakf Tribunal to issue copy of

the orders passed in I.A.Nos.248/2007 and 257/2007 in W.O.S.No.26/2007 immediately on receipt of the copy of this judgment, provided, they have applied for copies. We also direct the tribunal to take steps to dispose of the O.S. as expeditiously as possible.

Issue copy of the judgment urgently.

J.B.KOSHY, JUDGE

K.HEMA, JUDGE

prp

J.B.KOSHY & K.HEMA, JJ.

M.F.A.NO. OF 2006 ()

J U D G M E N T

1st November, 2007